

WEST VALLEY CITY, UTAH

RESOLUTION NO. _____

**A RESOLUTION AUTHORIZING THE CITY TO ACQUIRE,
BY NEGOTIATION OR CONDEMNATION, REAL
PROPERTY FROM DECKER LAKE VENTURES, LLC
LOCATED AT 2801 SOUTH DECKER LAKE DRIVE IN
WEST VALLEY CITY AND RATIFYING RESOLUTION 09-
67.**

WHEREAS, pursuant to State law, West Valley City may purchase, receive, hold, sell, lease, convey, and dispose of real property for the benefit of the City, and also has the power of eminent domain to acquire property for public purposes and uses, including public transportation projects; and

WHEREAS, on February 3, 2009 the City Council of West Valley City approved Resolution 09-67 authorizing the condemnation of real property owned by Decker Lake Ventures, LLC which is located at 2801 South Decker Lake Drive; and

WHEREAS, in order to assure that the City has met the statutory requirements with respect to notice, and that Decker Lake Ventures, LLC has had an opportunity to be heard, the City Council of West Valley City has determined that it is in the best interest of the City and Decker Lake Ventures, LLC to provide Decker Lake Ventures, LLC another opportunity to be heard before proceeding with the condemnation; and

WHEREAS, the City Council of West Valley City, Utah, has determined that it is in the best interests of the health, safety and welfare of the citizens of West Valley City to acquire a certain parcel of property located at 2801 South Decker Lake Drive in order to facilitate construction of the Utah Transit Authority Light Rail Project; and

WHEREAS, the City Council of West Valley City, Utah, has determined that acquisition of said parcel of property would be for a public purpose and use; and

WHEREAS, the parcel of property to be acquired by the City is shown in the map attached to this Resolution as an exhibit and is a portion of the property further described as follows:

PROPERTY OWNERS: DECKER LAKE VENTURES, LLC
PARCEL NUMBER: 15-27-126-064

NOW, THEREFORE, BE IT RESOLVED by the City Council of West Valley City, Utah, that the City, by and through the City staff, is authorized to acquire the fee title and an easement to the required portions of the above-described real property, free and clear of all outstanding liens or encumbrances. This acquisition may be made by offer and negotiation with the owners of the interests in the parcel of real property by City staff or Utah Transit Authority staff or agents, for good and valuable consideration equal to the fair market value of said parcel; and

BE IT FURTHER RESOLVED that the City Council of West Valley City, upon giving the property owner Decker Lake Ventures, LLC another opportunity to be heard concerning acquisition of the Property located at 2801 South Decker Lake Drive, also ratifies the vote on resolution 09-67 condemning property owned by Decker Lake Ventures, LLC located at 2801 South Decker Lake Drive in West Valley City; and

BE IT FURTHER RESOLVED that the Mayor is hereby authorized to accept and record the deed and easement to said property and to execute any and all documents that may be necessary to complete the acquisition of said real property and to convey said real property to Utah Transit Authority; and

BE IT FURTHER RESOLVED that should negotiations to acquire the property be unsuccessful, and the use of eminent domain or other legal action be necessary, the City, through its legal counsel, is authorized to undertake condemnation action or such other legal action as may be necessary to acquire, in the name of the City, all interests in the above-described real property in accordance with the applicable statutes relating to eminent domain and, if necessary, to make application for an Order of Immediate Occupancy, permitting the City to take immediate possession of the above-described real property and to convey any such interest to Utah Transit Authority.

PASSED, APPROVED, and MADE EFFECTIVE this _____ day of _____, 2009.

WEST VALLEY CITY

MAYOR

ATTEST:

CITY RECORDER